

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 26, 2005. Applicant amends Claims 18-24 to correct typographical errors. Applicant respectfully notes that none of these amendments affect the scope of the subject matter claimed by the relevant claims. Applicant respectfully requests reconsideration and favorable action in this case.

Information Disclosure Statement

Applicant submits the attached Information Disclosure Statement. Applicant respectfully requests, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. Applicant additionally requests notice to this effect.

Section 102 Rejections

The Examiner rejects Claims 1-2, 4, 7-10, 12, 15-18, 20, and 23-24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. US 2004/0176106 A1 by Tendler (“*Tendler*”). Claim 1 recites:

A method for determining the location of a mobile device comprising:
receiving a location message from a communication network, wherein
the location message comprises a plurality of signal tones;
modifying selected signal tones, wherein the selected signal tones have
a frequency within a predetermined range of frequencies;
decoding the modified signal tones into a plurality of decoded values;
and
determining a location of a user based on at least the plurality of
decoded values.

Tendler fails to recite, expressly or inherently, every element of Claim 1 for at least several reasons. First, *Tendler* fails to disclose “receiving a location message from a communication network, wherein the location message comprises a plurality of signal tones.” Second, *Tendler* fails to disclose “modifying selected signal tones, wherein the selected signal tones have a frequency within a predetermined range of frequencies.” Thus, as described in greater detail below, *Tendler* fails to disclose every element of Claim 1, and Claim 1 is thus allowable for at least these reasons.

First, *Tendler* fails to disclose “receiving a location message from a communication network, wherein the location message comprises a plurality of signal tones.” In rejecting Claim 1, the Examiner asserts that “locator module 16 receives location information via the GPS antenna[.]” *Office Action*, p. 2. Nonetheless, to whatever extent this may accurately describe the system of *Tendler*, *Tendler* provides no indication that any location information received by the GPS antenna “comprises a plurality of signal tones.” Thus, *Tendler* fails to disclose “receiving a location message from a communication network, wherein the location message comprises a plurality of signal tones” as recited by Claim 1.

Second, *Tendler* fails to disclose “modifying selected signal tones, wherein the selected signal tones have a frequency within a predetermined range of frequencies.” In rejecting Claim 1, the Examiner notes that “DTMF tone is modified by an audio amplifier[.]” *Office Action*, p. 2. To whatever extent this may accurately describe the system of *Tendler*, *Tendler* provides no indication that audio amplifier modifies selected tones within the DTMF tone. In fact, *Tendler* states only that “the output of both speech synthesizing unit 24 and DTMF tone generator 26 [are] amplified by an audio amplifier 28” (¶ 29), indicating that the audio amplifier amplifies all tones within the output of DTMF tone generator 26. Thus, *Tendler* also fails to disclose “modifying selected signal tones, wherein the selected signal tones have a frequency within a predetermined range of frequencies” as recited by Claim 1.

As a result, *Tendler* fails to recite, expressly or inherently, every element of Claim 1. Claim 1 is thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claim 1 and its dependents.

Although of differing scope from Claim 1, Claims 9 and 17 include elements that, for reasons substantially similar to those discussed with respect to Claim 1, are not recited by *Tendler*. Claims 9 and 17 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 9 and 17, and their respective dependents.

Additionally, several dependents of Claim 1 include additional elements that are not disclosed by *Tendler*. For example, Claim 2 recites:

The method of Claim 1, wherein modifying the volume of selected signal tones comprises setting the volume of the selected signal tones to a predetermined value.

Tendler fails to disclose “setting the volume of the selected signal tones to a predetermined value.” In rejecting Claim 2, the Examiner notes only that “DTMF tone is

amplified by an audio amplifier.” *Office Action*, p. 3. To whatever extent this accurately describes the operation of the system of *Tendler*, the cited portion of *Tendler* still does not disclose “setting the volume of [the DTMF tone] to a predetermined value.” *Tendler* discloses only that the audio amplifier amplifies the DTMF tone. Thus, *Tendler* also fails to disclose “setting the volume of the selected signal tones to a predetermined value” as recited by Claim 2.

As a result, *Tendler* fails to disclose additional elements of Claim 2. Claim 2 is thus allowable for at least these reasons. Although of differing scope from Claim 2, Claims 10 and 18 include elements that, for substantially similar reasons to those discussed with respect to Claim 2, are not recited by *Tendler*. Claims 2, 10, and 18 are thus allowable for at least these additional reasons. Applicant respectfully requests reconsideration and allowance of Claims 2, 10, and 18, and their respective dependents.

Section 103 Rejections

The Examiner rejects Claims 3, 11, and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,906,166 issued to Cooper et al. (“*Cooper*”). Claims 3, 11, and 19 depend from Claims 1, 9, and 17, which have been shown above to be allowable. Claims 3, 11, and 19 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 3, 11, and 19.

The Examiner rejects Claims 5, 13, and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0196151A1 by Troxler (“*Troxler*”). Claims 5, 13, and 21 depend from Claims 1, 9, and 17, which have been shown above to be allowable. Claims 5, 13, and 21 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 5, 13, and 21.

The Examiner rejects Claims 6, 14, and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Tendler* over U.S. Patent No. 5,742,987 issued to Brown (“*Brown*”). Claims 6, 14, and 22 depend from Claims 1, 9, and 17, which have been shown above to be allowable. Claims 6, 14, and 22 are thus allowable for at least these reasons. Applicant respectfully requests reconsideration and allowance of Claims 6, 14, and 22.

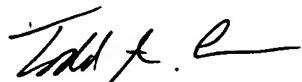
Conclusions

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

A check in the amount of \$180.00 is enclosed to cover the fee for filing an Information Disclosure Statement after the mailing date of the first Office Action. No other fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTT S L.L.P.
Attorneys for Applicant



Todd A. Cason
Reg. No. 54,020

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6452

Date: 12/20/05

CORRESPONDENCE ADDRESS:

Customer Number:

05073